

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE:

CASE NO.: 8:11-bk-22258-MGW

FUNDAMENTAL LONG TERM CARE,
INC.,

Chapter 7

Debtor.

**DEBTOR'S EX PARTE MOTION TO EXCEED PAGE LIMITATION
FOR REPLY BRIEFS CONCERNING DEBTOR'S RESPONSE IN OPPOSITION TO
JACKSON ESTATE'S MOTION FOR SUMMARY JUDGMENT ON THE DEBTOR'S
OBJECTION TO CLAIM NO. 2 FILED BY THE ESTATE OF JUANITA JACKSON**

Fundamental Long Term Care, Inc. ("Debtor"), by and through counsel, moves the Court, on an *ex-parte* basis, for leave to exceed the five (5) page limitation for reply briefs to respond to the Jackson Estate's Motion for Summary Judgment on the Debtor's Objection to Claim No. 2 Filed by the Estate of Juanita Jackson, and in support states:

1. The Order Imposing Page Limits on Filings (DE 196) imposes a page limitation of five (5) pages on responses to motions.
2. The Estate of Jackson has filed an eight (8) page Motion for Summary Judgment (DE 815), a twenty-three (23) page Memorandum of Law in Support of Motion for Summary Judgment (DE 816), a forty-four (44) page Statement of Undisputed Facts in Support (DE 817), and over 2,500 pages of exhibits (DE 818).
3. The Debtor's Reply to the Estate of Jackson's Motion for Summary Judgment will contain approximately twenty (20) pages of briefing that addresses the issues raised by the Motion and Memorandum. The Debtor requires the additional pages of briefing to thoroughly address the many arguments raised by the Motion, Memorandum, Statement of Undisputed

Facts, and exhibits. The additional pages of the Debtor's Reply will benefit the Court in the Court's consideration of the issues raised in the Estate of Jackson's Motion and Memorandum.

4. Under the circumstances, the Debtor respectfully requests the Court enter an Order authorizing the Debtor's Reply to exceed the five (5) page limitation on reply memoranda previously established by the Court.

5. The Debtor reserves the right to file supplemental affidavits and deposition transcripts that exceed the page limitation.

WHEREFORE, the Debtor requests that this Court granted the requested relief and enter an order in the form attached hereto as Exhibit A.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been served by the Court's CM/ECF system to all parties authorized to receive electronic notice on this 12th day of June, 2013.

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Exhibit A

UNITED STATES BANKRUPTCY COURT
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TAMPA DIVISION

IN RE:

CASE NO.: 8:11-bk-22258-MGW

FUNDAMENTAL LONG TERM CARE,
INC.,

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Debtor.

_____ /

**ORDER GRANTING DEBTOR'S EX PARTE MOTION TO EXCEED PAGE
LIMITATION FOR REPLY BRIEFS CONCERNING JACKSON ESTATE'S MOTION
FOR SUMMARY JUDGMENT ON THE DEBTOR'S OBJECTION TO CLAIM NO. 2
FILED BY THE ESTATE OF JUANITA JACKSON**

THIS MATTER came before the Court without a hearing upon the Debtor's Ex Parte Motion to Exceed Page Limitation for Reply Briefs Concerning the Jackson Estate's Motion for Summary Judgment on the Debtor's Objection to Claim No. 2 Filed by the Estate of Juanita Jackson [DE ____], and the Court finds good cause to grant the requested relief, and therefore, it is

ORDERED that the Debtor's ex parte Motion to Exceed Page Limitation for Reply Briefs [DE ____] is **GRANTED**. The Debtor may file a reply to the Estate of Jackson's Motion for Summary Judgment and Memorandum in Support that exceeds the five (5) page limitation.

DONE AND ORDERED in Chambers at Tampa, Florida on _____.

Michael G. Williamson
United States Bankruptcy Judge

Attorney Brian K. Gart is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.